

**REMARKS****I. Introduction**

Claims 1-5 are pending in the above application.

Claims 1-5 stand rejected under 35 U.S.C. § 102(e).

Claim 1 is the only independent claim.

**II. Amendments**

Claim 1 has been amended to clarify the language therein. No new matter has been added.

**III. Prior Art Rejections**

Claims 1-5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Slivka et al. (U.S. Pat. No. 6,049,671) (hereafter "Slivka").

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986); and *Connell v. Sears, Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983).

Slivka does not disclose or suggest a method for securely distributing a component from a network host to a network appliance, which includes the steps of: signing, by said network host, a configuration file including a load table which defines a plurality of authorized components for said network appliance; executing a secure kernel and said signed configuration file on said network appliance, said secure kernel including computer code for checking the authenticity of

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said configuration file and boot code for allowing said network appliance to initially boot up and establish communication with said network host; verifying, by said secure kernel, the authenticity of said configuration file; reading, by said secure kernel, said load table only after said verifying step; and loading said plurality of authorized components defined in said load table onto said network appliance, as recited by claim 1. Slivka merely discloses a method of providing mainly updates and patches of programs from an update service to a user's computer. Abs.; col. 5: 47 through col. 6: 56. The system of Slivka requires the user's computer to contain and run a "user update application (UUA) 50 on the user computer" which communicates with "one or more service update applications (SAU) 48" on the update service computer. Col. 5: 66 through col. 6: 11. Either the service update application (SAU) or the user update application (UUA) scans the user's computer for program information, which is compared to a list of available programs, patches, fixes and updates held by the SAU 48. Col. 6: 29-49; col. 7: 13-60. Slivka further discloses that programs, updates, etc. which are selected for download, presumably by the SAU, may be digitally signed, and the digital signature is checked, presumably by the user update application, to determine if access to the downloaded program is authorized. Col. 16: 55 through col. 18: 15.

In response to Applicants arguments in an after final response filed on July 19, 2005, herein incorporated, the Advisory Action points to a table discussed in Slivka on column 15, lines 50-55 contained in a cabinet file. Advisory action, page 2. However, the table discussed in Slivka is merely an installation table which indicates "how many disk clusters will be needed to extract and store the files included in the cabinet file for each cluster size". Col. 15: 50-55. The installation table of Slivka does not define which programs a network appliance is authorized to use. It merely relates to the mechanics of uploading selected programs into a computer.

Accordingly, as Slivka does not disclose each and every element of the claims, as set forth in the claims, Slivka does not anticipate the above claims.

#### IV. Conclusion

Having fully responded to the Office action, the application is believed to be in condition for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

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Respectfully submitted,

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